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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/413,105

10/06/1999

JAMES L. MARTIN JR.

149-0031US

1590

29855

7590

01/22/2009

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.

20333 SH 249

SUITE 600

HOUSTON, TX 77070

EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

01/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/413,105	Applicant(s) MARTIN, JAMES L.	
	Examiner Vincent F. Boccio	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Petition to revive answered on 11/2/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 11, 17-22, 27, 28, 34-39, 44, 45, 51 and 52 is/are rejected.
- 7) ☒ Claim(s) 6-9, 12-16, 23-26, 29-33, 40-43 and 46-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2169

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2169.

Response to Arguments

1. Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The abstract of the disclosure is objected to because it contains more than one paragraph. Correction is required.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the

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obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-5, 10-11, 17-22, 27-28, 34-39, 44-45 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppen (Patent # 5,761,667) in view of Capps (US 6,397,311).

Regarding claim 1, 17, 18, 34, 35, 51 and 52, Koeppen teaches the method of accessing the IMS database (see Fig. 4A and described in col. 4, lines 40-43).

Reading blocks from IMS database (see Fig. 4A, described in col. 5, lines 5- 10).

Each of the blocks comprising zero or more segments is shown in fig 4A. and described in col. 6, lines 24-25.

De-blocking the segments is shown in fig 4A, wherein fragmented data is de-fragmented.

Koeppen fails to particularly describe the reading process to correspond to a sequential read of the stored blocks in the database.

Capps teaches reading sequentially a series of blocks which comprise fragmented block data into Ram (Fig. 4),

- o step 88, read a portion of disk to Ram
- and
- o step 98, perform contiguous replacement

and also col. 37,

- o "a first circuitry **for reading a first contiguous portion** of the disk file system **comprising a fragmented plurality of blocks** into a first buffer in a storage circuit, as taught by Koeppen.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Koeppen by reading a

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portion from a source of fragmented data wherein the portion of data read comprises fragmented contiguous blocks of data, performing de-fragmentation of a file system using an intermediate Ram memory, which improves performance by utilizing intermediate memory which embodiments which do not suffer from being rather slow because of the extensive data movement required (col. 1), as taught by Capps.

Koeppen does not specifically teach storing the segment in a segment array as claimed. However it teaches a un-fragmented data stored in IMS database as shown in fig 4A which is equivalent to the segment array as claimed, storing the data in segment array is well known in the art. Therefore it would have been obvious for a person with ordinary skill in the art at the time the invention was made to replace the data-store with segment array because it aids in storing various segments sequentially.

Regarding claims 2, 19 and 36 Koeppen teaches the claimed invention of storing the segment in an indexed order as described in col. 6, lines 35-40. Since the segment data is accessed, it is obvious that Koeppen implicitly teaches a lookup table.

Regarding claim 3, 10, 11, 20, 27, 28, 37, 44 and 45, Koeppen teaches the claimed invention of accessing root segments and other segments (which can be interpreted as child segments) as described in col. 6, lines 23-30.

Regarding claims **4, 21 and 38** Koeppen teaches a method of storing the data in IMS database as shown in fig 4A.

Regarding claims 5, 22, 39, Koeppen teaches the claimed invention of pair of key value and location value as described in col. 6, lines 36-50.

Allowable Subject Matter

Claims 6-9, 12-16, 23-26, 29-33, 40-43, 46-50, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

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Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday-Thursday between (7:30 AM to 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali, can be reached on (571) 272-4105.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system:

"<http://portal.uspto.gov/external/portal/pair>"

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vincent F. Boccio/
Primary Examiner, Art Unit 2169